

REMARKS

Claim 1 has been amended by incorporating the limitation from claim 3 into claim 1. Claim 17 has been amended by incorporating the limitation from claim 18 into claim 17. Claim 20 has been amended by incorporating the limitation from claim 23 into claim 20. No new matter has been added. The Office Action of June 15, 2004 is discussed in detail below.

Claims Rejections - 35 USC 102**Paragraph 2 of Office Action**

Claims 1, 4, 7, 8, 17, 19, 20 and 24 are rejected under 35 USC 102(e) as being anticipated by Park et al.

Claim 1 has been amended to include the limitation of claim 3. Park fails to teach or suggest the limitation *"...wherein said phase-change material is in a saturated condition in said first memory state and said second memory state."* Hence, Park fails to teach or suggest all of the limitations of claim 1 as amended. Claim 4 depends from claim 1 and includes all of the limitations of claim 1.

Claim 7 has been amended to include the limitation: *"...applying a discriminating voltage across said memory element, said discriminating voltage being between said first threshold voltage and said second threshold voltage."* Park does not teach or suggest this limitation.

Claim 17 has been amended to include the limitations of claim 18 and claim 18 has been canceled. Park again fails to teach or suggest the limitation "...wherein said phase-change material is in a saturated condition in said first memory state and said second memory state." Claim 19 includes all of the limitations of claim 17.

Claim 20 has been amended to include the limitations of claim 23 and claim 23 has been canceled. Park again fails to teach or suggest the limitation "...wherein said phase-change material is in a saturated condition in said first memory state and said second memory state." Claim 24 includes all of the limitations of claim 20.

In view of the amendments to claims 1, 17 and 20, the rejection of claims 1, 4, 7, 8, 17, 19, 20 and 24 has been overcome and application requests it be removed.

Double Patenting

Paragraph 4 of Office Action

Claims 1, 2, 5, 6 and 9-11 are provisionally rejected under the judicially created doctrine obviousness-type double patenting as being unpatentable over claims 19 and 20 of copending Application No. 10/252,628.

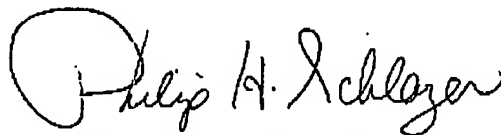
A terminal disclaimer is included with this response and applicant requests that the rejection be removed.

Summary

In view of the cancellation of claims 3, 18 and 23, in view of the amendments to claim 1, 17 and 20, and in view of the above remarks, the remaining claims 1, 2, 4-17, 19-22 and 24 are in condition for allowance. Applicant respectfully requests withdrawal of the outstanding objections and rejections and notification of allowance.

Should the Examiner have any questions or suggestions regarding the prosecution of this application, she is asked to contact applicant's representative at the telephone number listed below.

Respectfully submitted,



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